IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.99 of 1999

Suleman Babu Patel @ Patil & Others. .. Petitioners

Vs.

The Special Land Acquisition Officer No.9 & Others. .. Respondents

None for the petitioners.

Mr.Vinay Sonpal, A.G.P. for respondents.

CORAM: B.H.MARLAPALLE & NARESH H.PATIL,JJ.
September 20, 2006.

P.C.

. In this petition filed under Article 227 of the Constitution of India, the petitioners who are the heirs of Babu Bandu Patel @ Patil have challenged the acquisition proceedings in respect of the land admeasuring 1 Hector & 62 Ares from Gat No.311 of village Yelur, Tal.Walwa, Dist.Sangli. The subject land was sought to be acquired for resettlement of project affected persons. While granting Rule interim relief in terms of prayer clause (c) was granted by this court on 07/01/1999. The said prayer reads as under : -

"Pending hearing and final disposal of this

writ petition further proceedings of acquisition of the suit land bearing Gat No.311 to the extent of 1 Hector 62 ares situated at Yelur, Taluka Walwa, District Sangli pending before Respondent Nos.1 to 3 be stayed."

. In response to the order dated 12/09/2006 the learned A.G.P. has placed before us the record of the Special Land Acquisition Officer who has passed the award on 22/03/1994. The compensation amount has been disbursed thereafter right up to the year 1998. So far as the petitioners are concerned, the compensation amount has been worked out at Rs.1,88,803/- and the petitioners are the claimants who have not received the amount. The record further shows that the possession of the petitioners' land admeasuring 1 Hector and 62 Ares was taken on 25/11/1997. It is thus clear that the acquisition proceedings were concluded much before the petition was presented in this Court on 07/01/1999. The fact that the other claimants collected their compensation amounts implies that even notices under section 12 (3) & (4) of the Land Acquisition Act, 1984 were issued to the claimants by the Land Acquisition

Officer much prior to the petitioners approached this Court and in fact it has been admitted that these notices were received between 07/05/1992 to 11/11/1997 though they claim that the notices were not served actually on them at their address. Not only that but prior to July, 1998, the Mutation Entries in respect of the subject land have been changed as the possession was taken over by the State Govt.

. Under these circumstances, the challenge raised in this petition to the acquisition proceedings was stale and therefore the said challenge cannot be entertained.

. The petition is hereby dismissed.

. Rule discharged. Interim relief stands vacated.

(NARESH H. PATIL,J.) (B.H.MARLAPALLE,J.)